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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,436	11/28/2000	Eshel Ben-Jacob	A33795	6759
21003	7590	04/20/2004	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MARSCHEL, ARDIN H	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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41604

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The communication, filed on 2/2/04, is non-responsive to the prior Office action, mailed 7/29/03, because the newly submitted claims are drawn to an invention which was not originally presented. Such a shift to a distinct or independent invention is not permitted after the mailing of an action on the merits. The amendment, filed on 2/2/04, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are directed to an invention with distinct limitations compared to previously presented claims drawn to particularly "three conductive segments of DNA molecules connected to an active grain, wherein the active grain consists of a bare DNA segment" as recited from newly submitted claims 13 and 18 and equivalently in claim 19, 21, 22, 24, and 29. These limitations were not previously presented for examination and would require a completely separate search compared to the previously set forth claims, now canceled. Thus, the newly submitted claims present an undue search burden compared to the previous invention which was elected by original presentation

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or as extended as follows. AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. ' 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., whose telephone number is (571) 272-0718. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (571) 272-0722.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instrument Examiner, Tina Plunkett, whose telephone number is (571) 272-0549.

March 16, 2004  
09/724,436

Attachment: One sheet of PTO Form 1449 on which all citations are lined through as not been considered due to a lack of any copies of the cited references as required for consideration.

*Ardin H. Marschel*  
ARDIN H. MARSCHEL  
PRIMARY EXAMINER 4/16/04